

DOCKET NO. 211712US0X

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Re: Serial No.: 09/919,935  
Applicant(s): Brigitte BATHE, et al.  
Filing Date: AUGUST 2, 2001  
For: NUCLEOTIDE SEQUENCES WHICH CODE FOR THE  
METF GENE  
Attn.: APPLICATION BRANCH

SIR:

Attached hereto for filing are the following papers:

1. Notice to File Missing Parts of Nonprovisional Application (Return Copy)
2. Filing of Declaration Under 37 C.F.R. §1.53(f)
3. Declaration (6 pp.-Executed Original)
4. Copy of Specification (38 pp.)
5. Preliminary Amendment and Statement
6. Sequence Listing (Paper Copy - 7 pp.)
7. 3.5" Disk (CRF Sequence Listing)

Our check in the amount of \$ -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. §1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. §1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Norman F. Oblon  
Attorney of Record  
Registration No. 24,618

Daniel J. Pereira, Ph.D.  
Registration No. 45,518

Tel.: 703-413-3000  
Fax: 703-413-2220  
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Baxs Sector

AA



ATTORNEYS AT LAW

NORMAN F. OBLON  
(703) 413-3000  
NOBLON@OBLON.COM  
VINCENT K. SHIER, PH.D.  
(703) 413-3000  
VSHIER@OBLON.COM



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/919,935	08/02/2001	Brigitte Bathe	211712US0X

CONFIRMATION NO. 5782

## FORMALITIES LETTER



\*OC000000006473123\*

OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT PC  
FOURTH FLOOR  
1755 JEFFERSON DAVIS HIGHWAY  
ARLINGTON, VA 22202

RECEIVED  
AUG 28 2001

Date Mailed: 08/27/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

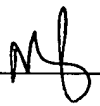
For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn S ftware, call (703) 306-2600

- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice **MUST** be returned with the reply.*

  
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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Docket No. 211712US0X

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

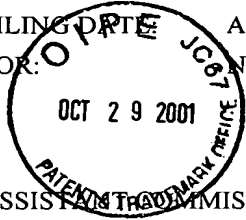
IN RE APPLICATION OF: Brigitte BATHE, et al.

SERIAL NUMBER: 09/919,935

ATTN: APPLICATION BRANCH

FILING DATE: AUGUST 2, 2001

FOR: NUCLEOTIDE SEQUENCES WHICH CODE FOR THE METF GENE



**FILING OF DECLARATION UNDER 37 C.F.R. §1.53(f)**

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Responsive to the notification dated AUGUST 27, 2001, and in accordance with the provisions of 37 C.F.R. §1.53(f), Applicants submit herewith a Rule 63 Declaration. The required fee was paid at the time of filing the application.

The Declaration enclosed herewith, attached to the specification, is believed to adequately identify the above-identified application in accordance with 37 CFR 1.63, as set forth in MPEP Section 601.01.

The undersigned hereby states that the specification to which the Declaration is attached is a true copy of the specification, and any amendments thereto, as originally filed in the Patent Office in order to obtain a filing date.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Norman F. Oblon  
Attorney of Record  
Registration No. 24,618

Daniel J. Pereira, Ph.D.  
Registration No. 45,518



**22850**

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 10/98)